

Supplemental Information Disclosure Statement

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: November 24, 2010

Electronic Signature for Christopher J. Stow: /Christopher J. Stow/

Docket No.: 22956-225
MIT5018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Francois Binette et al.

Application No.: 10/657,516

Confirmation No.: 7793

Filed: September 8, 2003

Art Unit: 1636

For: CHONDROCYTE THERAPEUTIC
DELIVERY SYSTEM

Examiner: C. X. Qian

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR 1.97, Applicant(s) hereby make of record the following additional documents. A PTO Form SB/08 and a full copy of each of the documents required under 37 CFR 1.98(a)(2) accompany this statement.

Applicants also bring to the attention of the Examiner the following related applications, the prosecution of which may be relevant to the pending application:

- U.S. Patent Application No. 11/463,714 of Binette et al (see Office Actions dated December 3, 2009, July 13, 2009, March 17, 2009, September 29, 2008, January 9, 2008, August 6, 2007 and January 8, 2007)
- U.S. Patent Application No. 11/463,708 of Binette et al (see Office Action dated September 17, 2010, February 22, 2010, October 15, 2009, April 20, 2009)
- U.S. Patent Application No. 12/328,083 of Binette et al (see Notice of Allowance dated August 30, 2010, see Office Action dated February 19, 2010)

Applicant(s) have become aware of the following documents: Koshiba, T., CLINICAL CANCER RESEARCH, 2000, Sept. V6, p3530-3535 (“Koshiba”); Yokoo, Naoki, et al., J. JPN. ORTHOP. ASSOC., 2002, Vol. 76, No. 8, p. S964 (“Yokoo”); JP2002-524083, JP62-269697 and JP62-198388, cited in a Japanese Office Action issued August 24, 2010, during the prosecution of a corresponding Japanese application. In accordance with 37 CFR 1.97(c) and (e)(1) or (b)(3), hereby submit(s) these documents for the Examiner’s consideration. JP62-269697 and JP62-198388 have been submitted with English abstracts. JP2002-524083 has been submitted with a copy of the corresponding reference WO0014261, which is believed to provide an English language version of the disclosure. An English translation of Yokoo is not available, but it is believed to be directed to chondrocytes having various genes introduced therein for use in treatment of diseases and methods for treating diseases using those chondrocytes. These documents are cited on the enclosed PTO Form SB/08, and a copy each document required under 37 CFR 1.98(a)(2) cited thereon are enclosed as well. A copy of the Japanese Office Action is not enclosed herewith.

This statement is not to be interpreted as a representation that the cited documents are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any document herein be construed *per se* as a representation that such document is prior art. Moreover, Applicant(s) understand(s) the Examiner will make an independent evaluation of the cited documents.

This Information Disclosure Statement is filed after the mailing date of a Final Office Action or Notice of Allowance, whichever occurred first, but on or before payment of the Issue Fee (37 CFR 1.97(d)). Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered.

I hereby certify, pursuant to 37 CFR 1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Payment in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p) is being charged to our Credit Card via EFS Web. The Director is hereby authorized to charge any deficiency in the fees filed with this paper, asserted to be filed with this paper or which should have been filed with this paper to our Deposit Account No. 141449, under Client/Matter No. 22956-225.

Dated: November 24, 2010

Respectfully submitted,

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